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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,899	12/13/2000	Mark Levine	CU-2415	8396
7590	09/29/2004		EXAMINER	
Richard J Streit Ladas & Parry 224 South Michigan Avenue Chicago, IL 60604			JASMIN, LYNDY C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/736,899	LEVINE, MARK
	<b>Examiner</b>	<b>Art Unit</b>
	Lynda Jasmin	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 June 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 29-45 and 47-80 is/are pending in the application.
  - 4a) Of the above claim(s) 29-45 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 47-80 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21, 2004 has been entered.

Amendment filed June 21, 2004 has been acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 47-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al. (2002/0016921), in view of Aikens et al. (6,216,113 B1).

Olsen et al. discloses a disbursement tracking system and computer readable storage medium as claimed having, an input (via spool 106) for receiving input signals conveying data (from clients station 102) associated with a document a user desires to generate on an output device (via printer 116), a processing unit (via printing control system 100) coupled to the input (106) for: extract from the input signals (spooled data

Art Unit: 3627

file) document print information (via 112) and device information (via 114) (box 60, lines 15-23), generate a print job file including data contained in the document print information (via the job database 110), an output (via communication link 118) coupled to the processing unit (100) for releasing the print job document to the output device (116).

Olsen et al further discloses if the status of the output device (116) requires cost allocation data (via user identifying unit 132), the processing unit (printer communication unit) is operative to: retrieve from the user the cost allocation data (via checking user pin code), attempt to validate the cost allocation data (via validating users on the basis of the user identifying data input), and if the cost allocation data is validated, insert the validated cost allocation data into the output signal (as disclosed in box 67). The output signal is a print job file (via print job data file); the processing unit includes a document analysis unit (via print engine 142) operative to spool the document print information extracted from the input signals into the print job file (box 67, lines 19-27). The processing unit also includes a device analysis unit (via control unit 120) operative to determine the status of the output device on a basis of the device information extracted from the input signals (see box 65). The device information includes an identifier of the output device on which the document is to be generated (box 67, lines 14-16). The device analysis unit (120) includes a machine-readable storage medium holding a data structure storing status information (server 136). The device analysis unit (120) is operative to consult the data structure (format) on a basis of the identifier to determine the status information for the output device (as disclosed in box 79).

Although Olsen et al. discloses a card 132 for identifying the particular user and is constituted by a credit card holding information regarding financial credit. However, Olsen et al. does not explicitly discloses determining a status of the output device including an indication of a cost allocation data requirement of the output device and processing the print job on the basis of the cost allocation data requirement of the output device.

Aikens discloses the concept of tracking usage information for an output device (via network administrator 18). Aikens further discloses the concept of having a decoder 18B, 11C for responding to a password and validating a print job request. Further, the system also provide a space to provide an access code an account number to allow entry to the system and to bill the appropriate account for the level of activity of a particular printer. Aikens further discloses determining if an access code is valid. In col. 5, lines 27-63, Aikens discloses the concept of determining the status the output device based on the validity of the access code and account number. For example verifying that the particular printer selected is accepted for a particular print job, and that a particular account number has not exceed its amount limit.

From this teaching of Aikens et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cost allocation data of Olsen et al. to include processing print job on the basis of the cost allocation data requirement of the output device as taught by Aikens et al. in order to facilitate validation of print job request from a user interface.

***Response to Arguments***

4. Applicant's arguments with respect to claims 47, 63, 79 and 80 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Czyszczewski et al. discloses a multifunction device having a controller and an account database for cost tracking. Keane et al. discloses the concept of managing print jobs. Motoyama et al. discloses the concept of determining if user has exceeded a predetermined limit of resource usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627

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